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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

3:13-CR-00524-BR

v.

**JOSE ANTONIO VILLALBA;
FERNANDO GARCIA-TORRES aka
PRIMO; and
ALEJANDRO ALVARES-HERNANDEZ**

SUPERSEDING INDICTMENT
[18 U.S.C. §§ 2, 924(c)(1)(A); 21
U.S.C. §§ 841(a)(1), 841 (b)(1)(A),
841(b)(1)(B), 841(b)(1)(C),
846, 853]

Defendants.

THE GRAND JURY CHARGES:

COUNT 1

**(Conspiracy to Distribute or Possess with Intent
to Distribute Methamphetamine)**

Beginning at a time unknown and continuing up to and including May 31, 2013, in the District of Oregon, **FERNANDO GARCIA-TORRES aka PRIMO; JOSE ANTONIO VILLALBA**, defendants herein, did knowingly and willfully combine, conspire, confederate and agree together, with each other, and with diverse other persons whose names are to the grand jury known and unknown, to possess with intent to distribute, and to distribute, fifty grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A).

It was part of this conspiracy for certain of the defendants and others to store, transport, and conceal controlled substances.

It was part of this conspiracy for certain of the defendants and others to utilize telephones and cellular telephones to further the possession and distribution of controlled substances.

It was part of this conspiracy for certain of the defendants and others to process, store, weigh, and package controlled substances for distribution.

It was part of this conspiracy for certain of the defendants and others to maintain premises for the purposes of storing, packaging, possessing, and distributing controlled substances.

It was part of this conspiracy to use and maintain motor vehicles to transport controlled substances, money, co-conspirators, to facilitate drug transactions, and employ counter-surveillance methods while driving or during the conduct of transactions, in the course of possessing with intent to distribute and distributing controlled substances.

In furtherance of this conspiracy, and to effect and accomplish its objectives, the defendants and other co-conspirators committed one or more of the following overt acts:

OVERT ACTS

1. As listed in Counts 2-5, below.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Distribution of Methamphetamine)

On or about January 30, 2013, in the District of Oregon, **FERNANDO GARCIA-TORRES aka PRIMO**, defendant herein, did knowingly and intentionally distribute a mixture

or substance containing a detectable quantity methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 3

(Distribution of Methamphetamine)

On or about February 14, 2013, in the District of Oregon, **FERNANDO GARCIA-TORRES aka PRIMO**, defendant herein, did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable quantity of methamphetamine a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 4

(Distribution of Methamphetamine)

On or about March 13, 2013, in the District of Oregon, **FERNANDO GARCIA-TORRES aka PRIMO**, defendant herein, did knowingly and intentionally distribute 50 grams or more of a mixture or substance containing a detectable quantity of methamphetamine a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 5

(Distribution of Methamphetamine)

On or about May 1, 2013, in the District of Oregon, **FERNANDO GARCIA-TORRES aka PRIMO and JOSE ANTONIO VILLALBA**, defendants herein, did knowingly and intentionally distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and Title 18, United States Code, Section 2.

COUNT 6

(Possession with Intent to Distribute Methamphetamine)

On or about May 24, 2013, in the District of Oregon, **JOSE ANTONIO VILLALBA**, defendant herein, did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

COUNT 7

(Possession with Intent to Distribute Heroin)

On or about May 24, 2013, in the District of Oregon, **JOSE ANTONIO VILLALBA**, defendant herein, did knowingly and intentionally possess with intent to distribute heroin a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 8

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about May 24, 2013, in the District of Oregon, **JOSE ANTONIO VILLALBA**, defendant herein, did knowingly possess a firearm, to wit: a Lorcin, Model 380, .380 caliber pistol, serial number 373188, in furtherance of a drug trafficking crime, for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute methamphetamine and heroin, charged in counts 6 and 7 herein; in violation of Title 18, United States Code, Section 924(c)(1)(A).

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COUNT 9

**(Conspiracy to Distribute or Possess with Intent
to Distribute Heroin)**

Beginning at a time unknown and continuing up to and including June 15, 2013, in the District of Oregon, and elsewhere, **ALEJANDRO ALVARES-HERNANDEZ and JOSE ANTONIO VILLALBA**, defendants herein, did knowingly and willfully combine, conspire, confederate and agree together, with each other, and with diverse other persons whose names are to the grand jury known and unknown, to possess with intent to distribute, and to distribute, one kilogram or more of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A).

It was part of this conspiracy for certain of the defendants and others to store, transport, and conceal controlled substances.

It was part of this conspiracy for certain of the defendants and others to utilize telephones and cellular telephones to further the possession and distribution of controlled substances.

It was part of this conspiracy for certain of the defendants and others to process, store, weigh, and package controlled substances for distribution.

It was part of this conspiracy for certain of the defendants and others to maintain premises for the purposes of storing, packaging, possessing, and distributing controlled substances.

It was part of this conspiracy to use and maintain motor vehicles to transport controlled substances, money, co-conspirators, to facilitate drug transactions, and employ counter-surveillance methods while driving or during the conduct of transactions, in the course of possessing with intent to distribute and distributing controlled substances.

It was part of this conspiracy to use public transportation to transport controlled substances and facilitate drug transactions.

In furtherance of this conspiracy, and to effect and accomplish its objectives, the defendants and other co-conspirators committed one or more of the following overt acts:

OVERT ACTS

1. As listed in Counts 10, below.

All in violation of Title 21, United States Code, Section 846.

COUNT 10

(Possession with Intent to Distribute Heroin)

On or between June 1 and June 15, 2013, in the District of Oregon, and elsewhere, **ALEJANDRO ALVARES-HERNANDEZ and JOSE ANTONIO VILLALBA**, defendants herein, did knowingly and intentionally possess with intent to distribute one kilogram or more of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2.

CRIMINAL FORFEITURE ALLEGATIONS

A. Upon conviction of the controlled substance offenses alleged in Counts 1-8 of this Superseding Indictment, **FERNANDO GARCIA-TORRES aka PRIMO; JOSE ANTONIO VILLALBA**, defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation.

MONEY JUDGMENT

A money judgment of \$ 16,100.00, representing a portion of the proceeds of defendants,' **FERNANDO GARCIA-TORRES' aka PRIMO; JOSE ANTONIO VILLALBA's** criminal activity, and/or used to facilitate defendants' criminal activity, in violation of Title 21, United States Code, Section 841(a)(1).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty,

B. Upon conviction of the controlled substance offenses alleged in Counts 9 and 10 of this Superseding Indictment, **ALEJANDRO ALVARES-HERNANDEZ and JOSE ANTONIO VILLALBA** defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following:

- (1) \$3,374.00 in United States currency; and a
- (2) 2008 Lexus IS250 Sedan, VIN JTHBK262X85081481.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants, **ALEJANDRO ALVARES-HERNANDEZ and JOSE ANTONIO VILLALBA**:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants, **ALEJANDRO ALVARES-HERNANDEZ and JOSE ANTONIO VILLALBA**, up to the value of the above forfeitable property.

All as provided in Title 21, United States Code, Section 853.

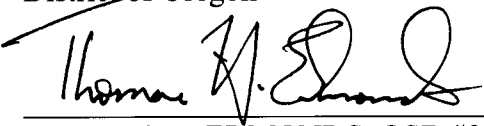
Dated this 24th day of June 2014.

A TRUE BILL.


OFFICIATING FOREPERSON

Presented by:

S. AMANDA MARSHALL
United States Attorney
District of Oregon


THOMAS H. EDMONDS, OSB #90255
Assistant United States Attorney